

AN ORDINANCE **99383**

**AMENDING THE CITY'S AFFORDABLE HOUSING INCENTIVE
PROGRAM BY APPROVING REVISIONS TO THE WATER AND
SEWER IMPACT FEE WAIVER POLICY; AND REVISING
ORDINANCE NO. 81974 TO REFLECT SAID CHANGES.**

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WHEREAS, pursuant to Ordinance No. 81974, passed on March 30, 1995, the Urban Affairs Council Committee reviews and approves the San Antonio Water System (SAWS) Impact Fee Waivers and Rebate requests; and

WHEREAS, water and sewer impact fees are fees assessed by SAWS to recoup costs associated with providing capital infrastructure to new clients, rather than having existing ratepayers pay for expanding infrastructure capacity; and

WHEREAS, waiving or rebating water and sewer impact fees for eligible housing developments reduces the sales price proportionately, thus promoting the City's recognized need for affordable housing and market-rate housing in targeted areas by encouraging the development of such housing; and

WHEREAS, staff has proposed new provisions to the water and sewer impact fee waiver policy to better address the City's housing goals; and

WHEREAS, by Ordinance No. 97716, passed on May 29, 2003, the City Council approved the Development Incentive Toolkit and provided for the City Manager or her designee to administratively approve the reduction or waiver of specific fees; and

WHEREAS, it is the desire of the City Council to approve new provisions to the water and sewer impact fee waiver policy and to set forth herein the process for approval of water and sewer impact fee waivers and rebates; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
SAN ANTONIO:**

Section 1. The City of San Antonio's Affordable Housing Incentive Program is hereby amended by incorporating therein the following provisions, hereby approved, relating to the Water and Sewer Impact Fee Waiver Policy:

Provision 1: The geographic criteria for affordable housing shall be expanded from the area within Loop 410 to now also include the area outside Loop 410 and north of Highway 90; a second geographic area for affordable housing shall include any affordable residential construction within the South Side Initiative area. Projects located over the Edwards

Aquifer Recharge Zone or the Edwards Aquifer Contributing Zone are not eligible for an impact fee waiver.

Provision 2: Incentives may be provided for market rate housing constructed inside the Central Business District, in the area south of downtown to Loop 410 bordered to the west by I-35 and to the east by I-37, and within the Southside Initiative area. For purposes of this provision, the term, "market rate housing" shall mean housing units with a sales price above the affordable housing limit approved by City Council, currently \$89,000.00.

Provision 3: The maximum annual total program benefit shall be capped at \$1,000,000.00; provided, however, that only the remaining FY 2003-04 program benefit (i.e., the difference between the total dollar amount of waiver and rebates approved by the Urban Affairs Council Committee from October 1, 2003 to July 4, 2004 and the cap of \$1,000,000.00) shall be available from July 4, 2004, the effective date of this ordinance, until September 30, 2004. Subsequent years shall be administered using the City of San Antonio's fiscal year.

Provision 4: The maximum benefit per project shall be capped at \$100,000.00. For purposes of this provision, the term, "project" shall mean a single platted development geographically and economically tied to a specific site; a subdivision, a multi-family apartment project, or a large mixed-use commercial and residential phased project, e.g., Victoria Courts.

Provision 5: Waivers shall be limited to site-built residential construction, i.e., traditional permanent foundation residential construction. Modular homes and mobile home construction are not eligible for award of waivers. In mixed-use projects, waivers or rebates shall be limited to the portion of impact fee associated with the residential project.

A map of the areas described in Provision 1 shall be on file with the City's Department of Housing and Community Development and is incorporated herein and approved hereby.

Section 2. The City Council hereby authorizes the City Manager or her designee to administratively waive fees and authorize rebates of those fees referred to in this ordinance, through the Development Incentive Toolkit under the authority granted pursuant to Ordinance No. 97716, passed on May 29, 2003. The process for approval of water and sewer impact fee waivers and rebates is further set forth in the document affixed hereto, approved hereby and incorporated herein for all purposes as Attachment I.

Section 3. The provisions of the City's Affordable Housing Incentive Program and its Water and Sewer Impact Fee Waiver Policy are hereby revised in accordance with the

provisions set forth in Sections 1 and 2 hereof. In accordance therewith, Ordinance No. 81974, passed and approved on March 30, 1995 is hereby revised to reflect said changes.

Section 4. Except for for-profit, affordable projects currently under construction and previously eligible for a rebate of water and/or sewer impact fees under Ordinance No. 81974, no project for which payment has been made prior to the effective date of this ordinance to SAWS for water and/or sewer impact fees shall be eligible under this ordinance for rebates or additional waivers of water and/or sewer impact fees. For purposes of this section, the term, "project" shall mean a single platted development geographically and economically tied to a specific site; a subdivision, a multi-family apartment project, or a large mixed-use commercial and residential phased project, e.g., Victoria Courts.

Section 5. This ordinance shall be effective on and after July 4, 2004.

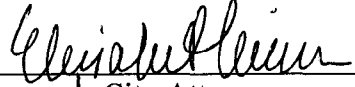
PASSED AND APPROVED this 24th day of June 2004.



ATTEST:


M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM:


City Attorney